

United States
Circuit Court of Appeals
For the Ninth Circuit.

CHOY GUM, Sometimes Referred to as LO KING,
Appellant,

vs.

SAMUEL W. BACKUS, as Commissioner of Immi-
gration at the Port of San Francisco,
Appellee.

Transcript of Record.

Upon Appeal from the United States District Court
for the Northern District of California,
First Division.

Filed

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F. D. Monckton,
Clerk.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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Praeceptum for Transcript on Appeal.

UNITED STATES OF AMERICA.

District Court of the United States, Northern District of California.

Clerk's Office—No. 15,641.

In the Matter of CHOY GUM, *Alias* LO KING,
on Habeas Corpus.

To the Clerk of Said Court:

Sir: Please make up Transcript of Appeal in the above-entitled case, to be composed of the following papers, to wit:

1. Petition for Writ of Habeas Corpus.
 2. Demurrer to Petition.
 3. Opinion and Order Sustaining Demurrer to
Petition for Writ of Habeas Corpus and
Denying the Petition.
 4. Petition for Appeal.
 5. Assignment of Errors.
 6. Order Allowing Appeal.
 7. Notice of Appeal.
 8. Cost Bond on Appeal.
 9. Citation and Copy.
 10. Clerk's Certificate.
 11. Order to Show Cause on Petition for Writ.
- [1*]

GEO. A. MCGOWAN,
Attorney for Petitioner.

[Endorsed]: Filed Aug. 11, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [2]

*Page-number appearing at foot of page of original certified Record.

*In the District Court of the United States, in and
for the Northern District of California, Division
No. One.*

No. 15,641.

In the Matter of CHOY GUM, Sometimes Referred
to as LO KING, on Habeas Corpus.

Petition for Writ of Habeas Corpus.

To the Honorable MAURICE T. DOOLING, United
States District Judge in and for the Northern
District of California:

The Petition of Wong Shee respectfully shows:

That Choy Gum, sometimes referred to as Lo King
and hereinafter in this petition referred to as the
detained, is unlawfully imprisoned, detained, con-
fined, and restrained of her liberty under the order
and by the direction of the Secretary of Labor, who is
the official successor now exercising those rights and
functions formerly exercised by the Secretary of
Commerce and Labor which are hereinafter referred
to and complained of. That the said detained is in
the immediate custody of Samuel W. Backus, Com-
missioner of Immigration for the Port of San Fran-
cisco, at the Immigration Station at Angel Island,
Marin County, State of California, Northern Dis-
trict. That the said imprisonment, detention, con-
finement and restraint are illegal, and that the illegal-
ity thereof consists in this to wit: That it is claimed
by the said Secretary of Labor and the said Samuel
W. Backus, Commissioner as aforesaid, that the said
detained is an alien Chinese person. That she en-

tered the United States on or about the 23d day of October, 1908, through the Port of San Francisco, where she arrived from China on the steamer "China," and that she was thereafter permitted to enter the United [3] States by the appropriate immigration officials as the wife of a native-born citizen of the United States, and that she has continued since said time to be a resident of the United States of America and of the State of California; and further, that upon the 20th day of September, 1912, the detained was arrested in the City of San Francisco, State of California, and charged with being a prostitute and with having been found practicing prostitution subsequent to her entry into the United States, and that thereafter, and upon the 26th day of September, 1912, a warrant for her arrest was issued by the Secretary of Commerce and Labor at Washington, D. C., and that upon the 10th day of October, 1912, the right of counsel was accorded the said detained and upon said day George A. McGowan was accepted by and appeared for the said detained as her attorney; and that after a pretended hearing had under the authority contained in said warrant, the Secretary of Commerce and Labor issued a warrant of deportation against the detained upon the charge hereinbefore cited, and ordered the detained deported to the Empire of China, the country from which she came. That during the proceedings had under the said warrant of arrest the detained was released on bail by the Secretary of Commerce and Labor in the sum of Three Thousand Dollars, and that the detained continued to be at large upon bail, as permitted

under said warrant of arrest, until she was surrendered into custody by direction of the said Samuel W. Backus, Commissioner as aforesaid, to render herself amenable to the said warrant of deportation. It is further claimed by the said Samuel W. Backus that he now holds said detained in his possession by virtue of said warrant of deportation, and that it is his purpose and intention to execute the said warrant by causing the detained to be deported upon the steamship "China," sailing from the Port of San Francisco at one P. M. on April 18th, 1914. It is further claimed by the said Samuel W. Backus that the action of himself and the Secretary of Commerce and Labor and the Secretary of Labor [4] in the premises is authorized by the provisions of the Act of Congress of February 20th, 1907, entitled: "An Act to regulate the Immigration of Aliens into the United States," and the Act amendatory thereof of March 26th, 1910.

But on the contrary, your petitioner alleges that the proceedings as a result of which said warrant of deportation herein was issued, were unfair and unjust and contrary to the statutes in such cases made and provided, and contrary to and in violation of the rules and regulations promulgated under the authority conferred by said Act or Acts of Congress, and as a result thereof the detained is deprived of her liberty without due process of law, in this, that the detained was denied a fair opportunity to either test the sufficiency or weight of the evidence presented against her or to present her defense to the charge brought against her in the said warrant of arrest, in

the following particulars:

First: That on October 10th, 1912, the detained was arraigned and informed of the charge brought against her and allowed an attorney and her attorney permitted to inspect and make a copy of the minutes of the hearing so far as it had proceeded and in compliance therewith saw and had copied:

The testimony of Choy Gum, Leong Toe, Ton Yook Lan and Wong Go, given on September 20th, 1912; telegraphic and formal application for warrant of arrest; telegraphic refusal to issue warrant; second telegraphic application for warrant of arrest; telegraphic and formal warrant of arrest, which was everything contained in said record at said time, and thereafter procured a copy of the proceedings had on the said 10th day of October, all of which are hereunto annexed and marked Exhibit "A," the hearing thereupon adjourned.

That on November 7th, 1912, the hearing was resumed and the detained protested to the incorporation in the record against her, of the testimony of Leong Toe, Ton Yook Lan and Wong Go and in permitting [5] said testimony to remain in said record this detained was not accorded a fair hearing for the reason that said testimony was not taken in the case against the detained and the respective witnesses were not sworn to tell the truth in the case of this detained, but on the contrary, each of said witnesses were being examined on oath touching their own right to be and remain in the United States and were not impartial and unbiased witnesses against this detained, but were on the contrary actu-

ated by motives of self-interest and self-protection, and such testimony as was detrimental to the detained was induced by methods of coercion, detention and imprisonment and was given in the hope or promise of the witness being restored to their liberty, and the said witnesses Wong Go and Ton Yook Lan were accordingly not proceeded against. That the request of the detained that the said witnesses be called so that they might be cross-examined on her behalf was not granted and the hearing was closed without affording the detained any opportunity to cross-examine said witnesses or any of them, so that it might be shown on behalf of the detained that the statements alleged to have been made in their said respective examinations which were detrimental to the detained were untrue, and that the said witnesses did not have sufficient knowledge to justify them in making said detrimental statements attributed to them, and that they were actuated by motives of self-interest and were testifying under coercion and while under duress and imprisonment and in the hope of obtaining their liberty in consideration for their testimony, and that in so abridging and limiting the right of counsel of the said detained she was and has been prevented from showing the falsity of the said evidence presented on behalf of the Government against her, the said detained, and that the hearing at which said purported evidence was presented was in reality nothing but the semblance of a hearing at which the rights of the said detained could not be adequately or at all protected. [6]

Second: That the detained was accorded the right of counsel on the 10th day of October, 1912, as aforesaid, and upon said day Geo. A. McGowan, Esq., appeared as her attorney and ever since has been the attorney of record therein. That upon the 15th day of October, 1912, a further hearing was had herein wherein the testimony of Arthur T. Layne and Dennis Bohle was taken against the detained and without notice to either the detained or her attorney, and in their absence, and that the said testimony was embodied in the form of two affidavits signed and sworn to respectively by each of said witnesses before an Immigration Inspector in San Francisco, within easy access of the detained and her attorney had they received even telephonic notice thereof. That the fact that said hearing had taken place or that said testimony in the form of affidavits, had been taken, was not made known to and was withheld from the detained and her attorney until the 7th day of November, 1912, when the said affidavits were formally offered in evidence against the detained, and the specific request of the detained that the said witnesses be recalled for cross-examination was denied and the hearing of the case against the detained was closed over her protest without granting the detained an opportunity to test the knowledge of the said two witnesses, and that in denying the right of cross-examination of the said witnesses as aforesaid, your petitioner alleges upon information and belief that the detained was prevented from showing, as alleged in said two affidavits, that the general reputation of the premises situated at No. 5

St. Louis Alley mentioned in said affidavit was that of a house of prostitution, and that it had such a reputation upon the 20th day of September, 1912, and that in denying the right of cross-examination of said witnesses the detained was prevented from showing that the said recitals of the two (2) said Government witnesses in their said two affidavits were false and untrue, and that the said witnesses had not sufficient information and knowledge or any [7] information or knowledge as a basis for the said averments contained in their said affidavits, and that they were interested witnesses making self-serving statements. That the specific request of the detained for an opportunity to meet the evidence contained in said two affidavits, the very existence of which was only made known to the detained at said hearing, was denied and said hearing immediately closed without permitting the detained any opportunity to meet the matter contained in said two affidavits so taken and used as aforesaid. That annexed hereto and marked Exhibit "B" is contained a copy of the minutes of the hearing on November 7th, copies of the affidavits submitted by the detained in her defense, copies of the said two affidavits of Arthur D. Layne and Dennis Bohle, and lastly the warrant of deportation.

Third: Your petitioner further alleges that after the conclusion of said pretended hearing and when the rights of the said detained could not be properly or at all safeguarded, the said Immigration Inspector-in-Charge Ainsworth or the said Commissioner did, your petitioner alleges upon information and belief,

submit evidence of some kind, detrimental to said detained, to the Secretary of Commerce and Labor, and that the said evidence was never presented to the said detained, nor was an inspection thereof permitted or allowed, and that by reason of the said acts of the said officers the detained was denied any opportunity to see and inspect said evidence and to rebut the same, and that in so abridging and limiting the right of counsel of the said detained she has been prevented from showing the falsity of the said evidence believed to have been so presented by the said officers against the said detained. No copy of said report or evidence is submitted herewith for the reason that the detained has not now and never has had, nor has she been able to procure a copy thereof. [8]

Fourth: Your petitioner alleges that the hearing accorded herein has been nothing but the semblance of a hearing and has been grossly unfair to the said detained in this, that the Government officers conducting said hearing have elected to take their evidence from witnesses by question and answer, while withholding the right of counsel from the detained, and after the right of counsel was allowed, to then present their evidence in the form of affidavits and refusing to produce the witnesses giving the testimony in said affidavits at a hearing where they could be examined by the detained, and in further directing the defendant to submit her defense in the form of affidavits, attempting by such action to legalize their use of affidavits against the detained, and thus preventing the detained from the right to have her wit-

nesses present and give their testimony orally before the said officers. Your petitioner alleges that there is not a question involved in this matter of the power of the Government to bring witnesses before the Inspector for examination, for the reason that the two said witnesses, Arthur D. Layne and Dennis Bohle did actually appear before a Government Inspector at the time they gave their testimony embodied in said affidavits, and they further would have presented themselves for examination before said Immigration officers at any convenient time and place regarding which they had reasonable previous notice, providing, always, had they been so requested by the said Immigration officials.

Fifth: Your petitioner further alleges that the said detained has at all times during her residence in the United States, been a woman of respectability and good moral character, and that she has at no time followed any immoral occupation or engaged in any immoral or debasing pursuits, nor has she followed the occupation or avocation of a prostitute, and that the evidence presented on behalf of the said detained affirmatively and abundantly established these facts; but the action of the said Immigration [9] officers in preventing the said detained from a fair and adequate opportunity to present her defense, *ad* hereinabove set forth, was, your petitioner alleges upon information and belief, the immediate cause of the issuance of the said warrant of deportation herein.

That your petitioner has annexed hereto in said Exhibits "A" and "B" a full copy of the proceed-

ings as a result of which it is sought to deport the said detained, with the single exception of the evidence or final reports mentioned subdivision Three on page six hereof, which last mentioned evidence or reports are considered as private and secret communications and no copy thereof has been or can be obtained by your petitioner.

That the said Samuel W. Backus is endeavoring to execute the said warrant of deportation by deporting the said detained on the steamship "China," sailing from the port of San Francisco at One o'clock P. M. on the 18th day of April, 1914, and unless this Court intervenes the said detained will be carried beyond the jurisdiction of this Court.

That your petitioner is a friend of the said detained and makes this petition upon her behalf, as she is now in the custody of the Commissioner of Immigration for the Port of San Francisco, and is therefore unable to execute the same.

WHEREFORE, YOUR PETITIONER PRAYS that the Writ of Habeas Corpus, prayed for herein, may issue, directed to the said Samuel W. Backus, staying the said order of deportation and directing him to produce the body of the said detained before your Honor at a time and place to be specified in said Order, together with the time and cause of the detention of the said detained, and your petitioner further prays that the said detained may be released

in the sum of \$3,000.00 during the further proceedings to be had in this matter. her

WONG X SHEE,
mark.

Petitioner.

GEO. A. MCGOWAN,

Attorney for Petitioner. [10]

United States of America,
State and Northern District of California,
City and County of San Francisco,—ss.

Wong Shee, being duly sworn, deposes and says: That *he* is the petitioner named in the foregoing petition; that the same has been read and explained to *him* and *he* knows the contents thereof; that the same is true of *his* own knowledge except as to those matters which are therein stated on *his* information and belief, and as to those matters *he* believes it to be true.

Her

WONG X SHEE.

Mark.

Subscribed and sworn to before me this 15th day of April, 1914.

[Seal]

HARRY L. HORN,

Notary Public in and for the City and County of
San Francisco, State of California.

Wong Shee being unable to write, at her request, and in her presence I wrote her name after she had made her mark.

HARRY L. HORN [11]

Exhibit "A" [to Petition for Writ of Habeas Corpus].

DEPARTMENT OF COMMERCE AND LABOR.
Immigration Service.

No. 1032/231.

Angel Island, Cal., Sept. 20, 1912.

In re CHOY GUM, Taken into Custody as Alien
Chinese Practicing Prostitution.

Examining Inspector—F. H. AINSWORTH.

Interpreter—J. S. McClymont.

Stenographer—L. E. Dinklage.

[Testimony of Choy Gum.]

Alien sworn through Interpreter.

Q. What is your name? A. Choy Gum.

Q. Any other name? A. Only one name.

Q. How old are you? A. 21.

Q. What is your father's name?

A. Choy Keung.

Q. Any other names your father is known by?

A. No other name.

Q. What is your mother's name?

A. Fung Shee.

Q. What is your father's village?

A. Lai Lung (Leung) Village.

Q. Has he always resided in that village?

A. He is in the United States now.

Q. Has your mother always resided in that village?

A. My mother died when I was a little girl.

Q. Did she always live in that village before she

(Testimony of Choy Gum.)

died? A. Yes, when I was a little girl.

Q. Did she ever leave that village at all?

A. My mother died in the United States.

Q. When? How long ago?

A. I do not remember. She died when I was a little girl.

Q. How long had she lived in the United States before her death?

A. She came with me to the United States when I was two years old.

Q. Were you born in this village in China?

A. Yes.

Q. When did you arrive in the United States? Nineteen years ago? A. Yes.

Q. On what steamer? Do you remember?

A. I do not know. [12]

No. 1032/231.

9/20/12.

Q. Did your father come with you at that time?

A. Yes.

Q. Where is your father now? A. Isleton.

Q. When did you see your father last?

A. I saw him at Isleton little over a month ago.

Q. Are you married or single?

A. I was engaged to a man and he died and I did not marry.

Q. How long have you been following this life you were found in this morning?

A. I did not follow any particular life. Sometimes I come out from the country I stay there.

Q. This place where you were found this morning is a well known house of prostitution. How long

(Testimony of Choy Gum.)

have you been living there?

A. I did not know it. I have been staying there for the last two days.

Q. How much rent did you pay for your room?

A. I went there with a woman. I know this woman pretty well, but I did not arrange as to how much I should pay.

Q. What is the woman's name?

A. Old lady. I just call her Ah Moo (meaning aunt).

Q. Was she the woman in the house this morning?

A. I do not know where she is now, but that was not the woman.

Q. But that is the woman who keeps the house, the woman we saw there this morning?

A. I did not investigate. I do not know.

Q. Do you not know she was the landlady?

A. No, I did not know. I did not investigate.

Q. Who furnished your meals?

A. I ate last night at her place, but yesterday I ate at another place.

Q. Were you not captured in a place trying to get up on the roof?

A. I heard a noise outside of people trying to break in. People ran and I just followed them.

Q. Who directed you to that place?

A. Nobody. I just followed. I saw people going that way and I just followed. [13]

(Testimony of Leong Toe.)

I hereby certify to the correctness of the foregoing transcript.

L. E. DINKLAGE,
Stenographer. [14]

[Testimony of Leong Toe.]

DEPARTMENT OF COMMERCE AND LABOR.
Immigration Service.

No. 1032/230.

Angel Island, Cal., Sept. 20, 1912.

In re LEONG TOE, Taken into Custody as an Alien
Chinese Practicing Prostitution.

Examining Inspector—F. H. AINSWORTH.

Interpreter—J. S. McCLYMONT.

Stenographer—L. E. DINKLAGE.

Alien sworn through Interpreter.

Q. What is your name? A. Leong Toe.

Q. No other names? A. No.

Q. How old are you? A. 23.

Q. What is your father's name?

A. Leong Gum.

Q. Has he any other names? A. No.

Q. What is your mother's name?

A. I do not know. She died when I was a little girl.

Q. Where did she die? A. In China.

Q. Had she always lived in her home village?

A. Yes.

Q. Where is your father now?

A. Hongkong.

Q. Was he ever in the United States? A. No.

(Testimony of Leong Toe.)

Q. When did you come to the United States?

A. ST-1; second 2d month, on the "Chiyo Maru."

Q. Under what condition did you come in?

A. As the wife of Low Shee Yow.

Q. Where is he now? A. He is in the country.

Q. When did you see him last?

A. Little over a year ago.

Q. How long have you been practicing prostitution?

A. I do not live there. I live on Pacific Street.

Q. What number Pacific Street? A. 773.

Q. I want to know how long you have been staying at this house of prostitution where you were arrested this morning?

A. I went there to visit about seven o'clock last night and I talked to my friend until it was very late and I decided to stay there for the night, until the officers came in and broke down the door and [15]

No. 1032/230

9/20/12.

I was afraid and followed the people up.

Q. What is your friend's name you went to visit?

A. I do not know her name. People call her an Ah So (meaning a "madame").

Q. Is it one of the girls who came over this morning? A. No.

Q. Was she the woman who stayed in the house?

A. She works there.

Q. Was she there this morning when you were arrested? A. Yes.

Q. As a matter of fact you have been practicing prostitution in that house have you not? A. No.

(Testimony of Ton Yook Lan.)

I hereby certify as to the correctness of the foregoing transcript.

L. E. DINKLAGE,
Stenographer. [16]

[Testimony of Ton Yook Lan.]

DEPARTMENT OF COMMERCE AND LABOR.

Immigration Service.

Angel Island Station,
San Francisco, California,
September 20, 1912.

File No. 1032/232.

In re TON YOOK LAN, who was brought to this
Station Sept. 20, 1912.

PRESENT:

Examining Inspector—F. H. AINSWORTH.

Stenographer—S. W. BUCHANAN.

Interpreter—J. S. McCLYMONT.

Alien sworn through Interpreter.

(By Examining Inspector.)

Q. What is your name? A. Ton Yook Lan.

Q. Have you any other name?

A. No other names.

Q. How old are you? A. Sixteen (16).

Q. What is your father's name? A. Tom Bok.

Q. Has he any other names?

A. No other names.

Q. What is your mother's name?

A. Hor Shee; she died.

Q. Where did she die?

A. She brought me here last year from China then

(Testimony of Ton Yook Lan.)

she went back herself and died.

Q. What steamer did you come on?

A. I do not remember the name of the steamer—the steamer arrived just about a month before Chinese New Year.

Q. Was it a Japanese steamer? What kind of a smokestack did it have?

A. One smokestack—black.

Q. Did anybody else come besides yourself and your mother?

A. Just myself and mother; I have two brothers and one sister here. I was landed once before—I went back to China when I was seven years old.

Q. When did you first come to the United States?

A. Not landed once before,—I went back to China when I was seven years old and I came back here when I was fifteen years old.

Q. Did your mother go back to China when you did?

A. Yes, [17] with my brothers and sister.

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9/20/12

Q. Where is your father?

A. He died before I went back to China.

Q. In what village did you live?

A. See Jee Tow Village.

Q. Did your mother always live in that village?

A. Yes.

Q. Did your mother live there when you were born?

A. I was born in San Francisco, under the store of Quong Qing Tai—my father was in business.

(Testimony of Ton Yook Lan.)

Q. How long have you been living in this house of prostitution?

A. I went there day before yesterday from Stockton—my brother took me there to study English and it being too hot I just came down here for a change of air.

Q. You know this is a house of prostitution?

A. People told me it was a ladies boarding-house kept by Ah Gum.

Q. Was that the lady we saw there this morning?

A. Yes. That is my godmother.

Q. Where was she born?

A. I don't know—she is not really my godmother, I just call her that.

Q. The other girls there entertained men did they?

A. Yes, they had men in their rooms over night.

Q. This man that was in there told me that he spent the night with one of those girls; do you know anything about that?

A. I don't know about that—I didn't see him in her room but I saw him coming out of an adjoining room.

Q. Did any of those men make any advances to you while you were there? A. No.

Q. Do you understand that the reputation of that place was that of an immoral house?

A. I don't know, I only stayed there a few nights that is all.

Q. Did you pay board to Ah Gum? A. No.

Q. Who paid your board?

A. She want to be mo godmother and [18] I

(Testimony of Ton Yook Lan.)

No. 1032/232

9/20/12

don't have to pay her anything.

Q. Can you tell me the name of anybody who can testify that you were not in this house four days ago?

A. I was staying in a rooming house in Stockton; that place is occupied by a few boy students.

Q. Any other women? A. No.

Q. What is the number of the rooming house in Stockton? What street?

A. Street next to the street where Chinatown is at.

Q. Do you know the name or number of the street?

A. The number of the house is 14, but I do not know the name of the street.

Q. What is your brother's name?

A. Ton Bing Lan.

Q. Where does he live?

A. He is working in the Quong Tai store until he got a telegram that my mother is dead and he went back.

Q. Didn't you tell me that your brother brought you to this house the night before?

A. I meant nobody took me there to the house—the fat lady invited me to the house.

Q. Have you ever had sexual intercourse with any men?

A. No. I lost my virginity in China.

Q. Have you had any intercourse with men since you have been back? A. Not in this country.

(Testimony of Wong Go.)

I certify to the correctness of the foregoing transcript.

S. W. BUCHANAN,
Stenographer. [19]

[Testimony of Wong Go.]

DEPARTMENT OF COMMERCE AND LABOR.

Immigration Service.

Angel Island, Cal., Sept. 20, 1912.

No. 1003/39.

In re WONG GO, Alleged to be in the United States
Illegally.

Examining Inspector—F. H. AINSWORTH.

Interpreter—WHOE TONG.

Stenographer—L. E. DINKLAGE.

Alien sworn through Interpreter.

Q. What is your name? A. Wong Go.

Q. Any other names? A. No other name.

Q. How old are you? A. 24 years of age.

Q. What is your father's name?

A. Wong Suey San.

Q. Father have any other names?

A. Wong Foo.

Q. Any other names? A. No.

Q. What is your father's business?

A. Merchant.

Q. Where? A. Sun Fook Chong, Stockton.

Q. What street Stockton?

A. Corner of Washington Street and another street. I do not remember the name.

Q. What is your mother's name?

(Testimony of Wong Go.)

A. I forgot my mother's name.

Q. Did you ever hear your mother's name?

A. I heard it but I do not remember now.

Q. Where is your mother now? A. In China.

Q. Where is your father now?

A. Returned to China.

Q. What is your father's village?

A. Lung Fat Village; H. S. District.

Q. Has your father always resided in that village?

A. Yes.

Q. Has your mother always resided in that village? A. Yes.

Q. Did your father ever leave that village for a short time? A. Only came to the United States.

Q. Did your mother ever leave the village?

A. No.

Q. Mother always lived in that village?

A. Yes.

Q. Never been away on any pretext?

A. No. [20]

No. 1003/39

9/20/12

Q. Has your father any other wives? A. No.

Q. Ever have any other wives?

A. No, only one wife.

Q. Have you any brothers or sisters?

A. One younger brother; no sisters.

Q. What is the younger brother's name?

A. I do not know his name. I left China before he was born.

Q. When did you leave China?

(Testimony of Wong Go.)

A. Arrived here KS-28; 10th month; S/S
"China."

Q. What is your occupation?

A. I am staying in my father's store.

Q. Where? A. In Stockton.

Q. You were not arrested in your father's store
in Stockton, were you?

A. No. I came up from there.

Q. Has your father still got an interest in this
store in Stockton? A. Yes.

Q. Does your father expect to return to the United
States again? A. Yes.

Q. When did your father go away?

A. I do not remember what year he went to
China. About three or four years ago, I think.

Q. Was your mother living when you left China?

A. Living.

Q. And you do not remember what you called her
ten years ago? A. I forgot suddenly.

Q. Did she have bound feet or natural feet?

A. Bound feet.

Q. What do you do for a living? Where do you
get your income to live?

A. From the store where my father has an inter-
est in.

Q. How much interest has your father got in that
store? A. I do not know how much.

Q. How much do you receive, income from it?

A. Little over \$300 a year.

Q. Is that your only source of income?

A. That is all.

(Testimony of Wong Go.)

Q. Does your father receive any income from the store besides the \$300 you get?

A. I do not know how much he received. The manager attends to it. [21]

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9/20/12

Q. What is the manager's name?

A. Wong Suey Sing.

Q. Do you take any part in the business of that store in Stockton—salesman, bookkeeper, manager or anything?

A. General helper. Sometimes do a little delivery.

Q. Do you ever sell anything? A. Yes.

Q. Do you receive pay for your services or pay from your father's interest?

A. Yes. I receive a little over \$300 a year salary.

Q. Then you do not receive anything from your father's investment?

A. My father gave me \$500 or \$1000 interest. I do not remember which.

Q. You state now you receive \$300 a year from that store in return for services. Now, I ask you, do you receive any income from the store from your father's investment in the store? A. No.

Q. Are you married?

A. Not married; never been married.

Q. Have you ever been back to China since you first came? A. No.

Q. Made no trips? A. No trips.

Q. When did you leave Stockton this time?

A. Four or five months ago.

(Testimony of Wong Go.)

Q. Have you been living in San Francisco ever since?

A. Always in San Francisco during that period.

Q. What have you been doing for a living since you have been in San Francisco the last four or five months?

A. I sent the money from the Sun Fook Chong.
Hearing adjourned.

Hearing resumed later, with Interpreter McClymont in lieu of Interpreter WHOE TONG.

Q. Where did you derive your source of income while in San Francisco?

A. I saved some money from raising potatoes and speculation. [22]

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Q. When were you raising potatoes? What period?

A. I did not raise potatoes myself but I invested some money about four years ago.

Q. Do you mean to say you have leased or owned a piece of land on which potatoes are raised?

A. No. I invested some money with some people who have land.

Q. Who are these people you invested with?

A. Hong Ah Lung is one of them.

Q. Where does he live?

A. Farmer in Stockton.

Q. How much money did you invest in this potato enterprise? A. I invested \$600.

Q. Where did you get that \$600?

(Testimony of Wong Go.)

A. I borrowed some of that money and some I saved up.

Q. When did you enter the house in which you were arrested this morning?

A. I do not live there but I just visit there.

Q. Where do you live?

A. I room on Jackson Street above the store of Tai Seng.

Q. What number on Jackson Street?

A. I do not know. I am a stranger in San Francisco. It is on Jackson Street above that store.

Q. Whom did you go to visit in this house in which you were arrested?

A. I know a man there but I do not know his name.

Q. Were you not with three girls trying to escape?

A. Yes.

Q. Is it not a fact that you went to visit one of those girls?

A. I intended to have a feast up there in that place.

Q. Didn't you have a feast last night?

A. I was going to have, but I did not have it.

Q. Were any of the girls going to join you in the feast?

A. No. I did not intend to visit those girls at all. I expected to meet a friend there.

Q. Who was the friend you expected to meet?

A. His name is Ah Gum. He was one of the men arrested and released afterwards. [23]

(Testimony of Wong Go.)

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9/20/12

Q. Do you know anybody else in that house?

A. He is the only one I know.

Q. What room did you occupy in that house last night?

A. I do not know the number of the room. It was a vacant room I occupied.

Q. Who owns that rooming house?

A. I do not know.

Q. How much did you pay for the night's lodging?

A. I did not have to pay any rent. I went there to visit a friend.

Q. Did your friend pay your lodging?

A. I do not know whether he did or not.

INSPECTOR'S NOTE: The woman who keeps the house is known as Ah Gum.

Q. Did you ever visit the house before last night?

A. No.

Q. What was your purpose in trying to escape if you were there simply to visit a friend?

A. I was a stranger in town and I heard a noise—people trying to break in—and I thought some of the tong men were trying to get me.

Q. Why should they try to get you?

A. I was afraid that they would make a mistake and hurt me.

Q. What are the names of the girls who came down in the taxicab with you?

A. I do not know their names.

Q. Did you ever see any of them before?

(Testimony of Wong Go.)

A. No. I heard the noise of people trying to break in and the girls trying to run away and I followed them.

Q. How is it you followed the girls instead of the men if you were visiting your friend?

A. I though there was fighting going on and I was a stranger in town; I just followed the girls.

Q. Is it not a matter of fact that you occupied a room last night with a woman in that building?

A. No.

Q. You are going to stand on that statement, are you? A. Yes.

Q. And you won't want to change this statement if I bring [24] evidence that you occupied a room

No. 1003/39

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with a woman?

A. Yes; I slept with a woman last night.

Q. What is her name?

A. I do not know her name.

Q. One of these three? A. Yes.

Q. Which one of the three was it?

A. I cannot recognize her.

Q. One of those three who came down with you?

A. Yes.

Q. How much did you pay to sleep there all night?

A. I did not pay.

Q. Who did pay?

A. I did not pay. I do not know who paid.

Q. Do you mean to say that you walked into a house and walked into a room where a woman was and occupied the room with her and did not pay her

(Testimony of Wong Go.)

anything? Why don't you tell the truth?

A. She did not sleep in the same room with me.

Q. Have you any additional statement to make?

A. No.

Q. Have you ever been arrested by the local authorities for any misdemeanor or crime? A. No.

Three Chinese girls brought in:

Q. Which one of these three girls did you sleep with? A. The one sitting down.

Q. (To Chinese girl indicated.) What is your name? A. Choy Gum.

Q. And is this the man who slept with you last night?

A. No, he slept in the room next to mine.

A. No.

(Wong Go answers "No" at the same time.)

I hereby certify as to the correctness of the foregoing transcript.

L. E. DINKLAGE,

Stenographer. [25]

[Telegram—September 20, 1912, Backus to "Immigration."]

Night.

Postal Telegraph.

Commissioner,

Angel Island, Cal., September 20, 1912.

Immigration, Washington, D. C.

Wadding Leong Toe arrived March nineteen nine and Choy Gum arrived nineteen years ago prognosis.

Recommend relegate thirty each case.

BACKUS.

ATTEST: (Sgd.) SAMUEL W. BACKUS,
Commissioner.

1032/231-230

FHA/LED.

NOTE—The above is telegraphic application for warrant of arrest.

L. E. D. [26]

COPY.

**Application for Warrant of Arrest Under Sections
20 and 21 of the Act of February 20, 1907.**

DEPARTMENT OF COMMERCE AND LABOR.

IMMIGRATION SERVICE.

No. 1032/230.

“ 1032/231.

(Place) San Francisco, Cal.,

September 20, 1912.

Confirming telegram of even date—

The undersigned respectfully recommends that the Secretary of Commerce and Labor issue his warrant for the arrest of Leong Toe and Choy Gum, the alien named in the attached certificate upon the following facts which the undersigned has carefully investigated, and which, to the best of his knowledge and belief, are true:

(1) (Here state fully facts which show alien to be unlawfully in the United States. Give sources of information, and, where possible, secure from informants and forward with this application duly verified affidavits setting forth the facts within the

knowledge of the informants.)

The above named aliens were found in a well known house of prostitution in San Francisco. Leong Toe claims to have been in the United States since 1909 and Choy Gum claims to have been here for nineteen years, although only twenty-one years of age now.

(2) The present location and occupation of above-named alien are as follows:

Detained at Angel Island Station, Cal. [27]

Pursuant to Rule 35 of the Immigration Regulations there is attached hereto and made a part hereof the certificate prescribed in paragraph (c) of said Rule, as to the landing or entry of said alien, duly signed by the immigration officer in charge at the port through which said alien entered the United States.

(Signature) (Sgd.) SAMUEL W. BACKUS,
(Official Title) Commissioner.

FHA/LED.

Copy—LED. [28]

[Telegram—September 21, 1912, Chas. Earl, Act.
Secy. to Immigration Service.]

Copy of Telegram.

Washington, D. C., Sept. 21, 1912.

Immigration Service.

Arrow Leong Toe prognosis relay thirty. Warrant arrest will not issue for Choy Gum.

CHAS. EARL,
Act. Secy.

Copy—LED. [29]

[Telegram—September 25, 1912, Backus to
“Immigration.”]

Night.

Postal Telegraph

Commissioner,

Angel Island, Cal., September 25, 1912.

Immigration, Washington, D. C.

Department telegram September twenty-first declining to issue warrant for Choy Gum. It now appears that Chou Gum's true name is Lo King landed October twenty-third, nineteen eight from steamship China as wife of native. Inspector Taylor apparently investigated case summer of nineteen ten. Will this information affect Department's decision not to issue warrant.

BACKUS.

ATTEST:

(Sgd.) SAMUEL W. BACKUS,

1032/231

Commissioner.

FHA/LED.

Copy—LED. [30]

[Telegram—September 26, 1912, B. S. Cable, Act.
Sec. to Immigration Service.]

AMB.

1:40 P. M.

18 GOVT.

Sept. 26, 1912.

Imm. Service.

Arrow Lo King, *alias* Choy Gum prognosis relay thirty.

B. S. CABLE,

Act. Sec.

NOTE—The above is telegraphic warrant of arrest.

L. E. D. [31]

Warrant—Arrest of Alien.

UNITED STATES OF AMERICA.

DEPARTMENT OF COMMERCE AND LABOR.

Washington.

No. 53510/212.

To Samuel W. Backus, Commissioner of Immigration, Angel Island Station, San Francisco, California, or to Any Immigrant Inspector in the Service of the United States:

WHEREAS, from evidence submitted to me, it appears that the alien LO KING, *alias* CHOY GUM, who landed at the port of San Francisco, California, ex SS. "China," on the 23d day of October, 1908, has been found in the United States in violation of the Act of Congress approved February 20, 1907, amended by the Act approved March 26, 1910, to wit:

That the said alien is a prostitute and has been found practicing prostitution subsequent to her entry into the United States.

I, Benj. S. Cable, Acting Secretary of Commerce and Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant her a hearing to enable her to show cause, why she should not be deported in conformity with law.

The expenses of detention hereunder, if neces-

sary, are authorized payable from the appropriation "Expenses of Regulating Immigration, 1913." Pending disposition of her case the alien [32] may be released from custody upon furnishing satisfactory bond in the sum of \$3,000.00.

For so doing, this shall be your sufficient warrant.

Witness, my hand and seal this 26th day of September, 1912.

(Sgd.) BENJ. S. CABLE,

Acting Secretary of Commerce and Labor.

CEB.

Copy—LED. [33]

[Testimony of Choy Gum.]

DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE.

No. 1032/231.

Angel Island, Cal., October 10, 1912.

In re LO KING, *alias* CHOY GUM, Arrested by
Virtue of Authority Contained in Warrant of
Arrest No. 53,510/212, Dated September 26,
1912, as One Found Practicing Prostitution
Subsequent to Her Entry into the United
States.

Examining Inspector:

Inspector in Charge, F. H. AINSWORTH.

Interpreter: MISS TAI LEUNG.

Stenographer: H. SCHMOLDT.

PRESENT:

Attorney GEO. A. MCGOWAN, Representing Alien.

Alien sworn through interpreter:

Q. What is your name? A. Choy Gum.

Q. Have you any other name?

(Testimony of Choy Gum.)

A. No other name.

Q. When did you arrive in the United States?

A. When I was two years old.

Q. A statement has been made here that you are known as Lo King, who arrived on the SS. "China" October 23, 1908, as the wife of Hum Mow Hing. Is that correct?

A. I don't know anybody by that name.

Q. Did you arrive here on the SS. "China" October 23, 1908?

A. No, I have been here since I was two years old.

Q. Is that not your photograph? (Referring to photograph of Lo King on Certificate of Marriage No. 69.) A. No.

Assistant Commissioner H. EDSELL appears and makes following statement: "The woman now before me was brought to this station some days ago by her attorney wholly for the purpose of identification or of comparison with the photograph in the records of Lo King, admitted at this port on October 23, 1908, ex SS. 'China.' I compared her with said photograph and had no hesitancy in reaching the conclusion that she was the original of the 1032/231 (Lo King *alias* Choy Gum) 10/10/12.

[34] photograph referred to. I held the photograph up so she could see it and pointed to it, and she nodded her head affirmatively, apparently intending to indicate to me that it was her photograph."

Q. I now ask you again if you are not the person that this is a photograph of? (Referring to above-

(Testimony of Choy Gum.)

mentioned photograph.) A. No.

Q. You made a statement the other day before me through another interpreter concerning your presence in the United States and your occupation, etc., and I want to ask you whether that statement was correct or whether you have any changes to make.

A. Yes, I told the interpreter that I was here since I was two years old.

Q. Were all of the statements you made at that time true? A. Yes.

Q. Did you understand the interpreter on that occasion? A. Yes.

(By Inspector in Charge, F. H. AINSWORTH.)

In my judgment, this woman is the one who was admitted as Lo King, wife of a native, Hom King Fook, from the SS. "China," October 23, 1908, and whose photograph is attached to the record. At this point Attorney Geo. A. McGowan, who represents the alien, appears, and will make any statement he wishes to make in behalf of the alien, or ask her any questions he thinks pertinent.

(By Attorney GEO. A. MCGOWAN.)

I have nothing to say except that the matter be continued. That is all.

(By Inspector in Charge, F. H. AINSWORTH.)

Q. How long do you wish to have the matter continued?

(By Attorney MCGOWAN.)

A. I have not received any of the copies of any of the papers in the matter and I could not tell until I saw them.

(Testimony of Choy Gum.)

(By Inspector in Charge, F. H. AINSWORTH.) [35]

1032/231 (Lo King *alias* Choy Gum) 10/10/12.

Mr. McGowan, I hand you herewith a record in the case which has been written up, all except the testimony which has been taken to-day, and while I don't want to be unduly urgent, I think, to-day being October 10th, that, say if the case were continued until October 23d, that is thirteen or fourteen days, that that would give you ample time.

(By Attorney McGOWAN.)

Well, make it October 24th.

(By Inspector in Charge, F. H. AINSWORTH.)

Case is continued until October 24, 1912.

Arraignment: Lo King, *alias* Choy Gum, you are advised that you have been arrested by authority of warrant of arrest No. 53510/212, dated September 26, 1912, issued by the Secretary of the Department of Commerce and Labor, being charged with being a prostitute who has been found practicing prostitution subsequent to your entry into the United States. You will be given an opportunity to examine the records of the case, and to show cause, or to employ counsel to show cause, why you should not be deported from the United States.

Q. Do you wish to employ counsel?

A. I have an attorney already.

(By Inspector in Charge, F. H. AINSWORTH.)

I will state also for your information that a stipulation has been entered into with the bonding company whereby the bond furnished when you were

first arrested will be held valid under the present warrant.

Case deferred until October 24, 1912, in the afternoon, in order to give the alien an opportunity to show cause why she should not be deported.

I certify as to the correctness of the foregoing transcript.

H. SCHMOLDT,
Stenographer. [36]

Exhibit "B" [to Petition for Writ of Habeas Corpus.]

No. 1032/231.

November 7, 1912.

Inspector—F. H. AINSWORTH.

Stenographer—L. E. DINKLAGE.

Attorney—GEO. A. MCGOWAN.

[Hearing in Choy Gum Case, Continued.]

(By Inspector AINSWORTH.)

This is a continuation of hearing in the Choy Gum case, under Departmental Warrant No. 53510/212, dated September 26, 1912, charging that said alien is a prostitute and has been found practicing prostitution subsequent to her entry into the United States. Mr. McGowan, what do you wish to introduce at this time?

Attorney MCGOWAN.—In compliance with the direction of the Department as stated by you, the defense and evidence to be presented on behalf of this woman will be submitted in the form of affidavits. Preliminary to the production of those affidavits I desire to make certain protests and exceptions.

FIRST—We desire to protest to any *acting* being taken in this case other than the cancelation of bond and the release of the woman, upon the ground that it is shown from the record that she has resided continuously in the United States for more than three years prior to the date of her arrest, which, I believe was the 20th day of September, 1912, and the new warrant issued in this case and from which I assume the case would run, being [37] September 26, 1912; the detained herself claiming that she entered the United States over seventeen years ago, while the Government claims in the matter that she originally entered the United States on October 23, 1908. Whichever of these dates being correct, it would make the residence of the woman in the United States longer, for a greater period than three years prior to her arrest.

SECOND—The second exception which we desire to reserve is the incorporation in the record of the testimony of Wong Go and the testimony of the girl, Tom Yook Lan, upon the ground that the use of the testimony as given is detrimental to the detained and it has prevented the detained from an opportunity for cross-examination, the right of counsel being denied her at the time the testimony was taken. This testimony being detrimental and being taken at a time when counsel was denied the detained, we protest and take exception to the incorporation in this record. I desire to protest against the case being closed without an opportunity being afforded the detained to have counsel cross-examine the witnesses for the Government.

THIRD—We desire to reserve a third protest upon the ground that upon the admitted fact of domicile and residence in this case, this proceeding is in violation of the rights of an alien domiciled in the United States, and in violation of the reason and spirit as well as the letter of the Constitution of the United States. The case which we desire to present [38] on behalf of the detained will consist of three affidavits which will be filed in the City Office this afternoon and they will reach you to-morrow morning.

No. 1032/231.

2.

(Attorney McGOWAN Continues.)

I would like to ask if the Government has anything to offer in this case further than copies of which have already been presented to the detained which consist of the statements of the three girls, Choy Gum, Leong Toe, and Tom Yook Lan, and the Chinese witness, Wong Go.

Inspector AINSWORTH.—There is offered in evidence affidavits of two police officers who made the raid. These are the originals and I understood you had copies.

Attorney McGOWAN.—This is the first I have seen of them. After having inspected the affidavit of Arthur D. Layne, and the affidavit of Dennis Bohle, both of which are under date of the 15th of October, 1912, we desire to protest against the introduction of these affidavits in evidence on the ground that [39] it is evidence presented after the detained was permitted the right of counsel and we

request that an opportunity be afforded for cross-examination of these two witnesses for the Government, and in the event of this being denied we desire to except and protest against the case being closed unless the right of counsel be afforded.

Inspector AINSWORTH.—I will say, Mr. McGowan, in this respect, that the case has been awaiting the alien's showing why she should not be deported since October 10th, and the record was available at all times, and it has been postponed a number of times at the request of alien's attorney. I do not feel justified in holding it open any more and will send the record as it appears to Washington with the protest made by you being part of it.

Attorney McGOWAN.—I desire to say that this knowledge was the first intimation I had that these affidavits were in the record and I believe that the right of cross-examination should be accorded the detained, and I desire to protest at same not being done.

Inspector AINSWORTH.—The instruction under which I am acting is that this hearing is informal and simply that the charge has been made against this alien and she has replied thereto as seemed best to her. The protest or objection regarding the conduct of the case might properly be made in such documentary form as you may deem proper to present for the consideration of the Secretary.

Attorney McGOWAN.—We desire to protest at this limitation upon the right of counsel and this abridgement on the ability of the [40] defendant to properly present a full and adequate defense.

You can send the case to the Department to-morrow because my protest may be considered as a brief in itself and the case will be represented before the Department by Attorneys Stabben & Stewart, Union Truste Building.

I hereby certify to the correctness of the foregoing transcript.

L. E. DINKLAGE,
Stenographer. [41]

[Affidavit of Leung Tan.]

State of California,
City and County of San Francisco,—ss.

LEUNG TAN, being first duly sworn upon oath, according to law, doth depose and say:

That your affiant is a resident Chinese person lawfully domiciled within the United States of America.

That your affiant is the lessee of the building on St. Louis Alley, in the City and County of San Francisco, State of California, from which three Chinese girls alleged to be known as Choy Gum, Leong Toe, and Ton Yook Lan were taken by the immigration authorities on or about the 20th of September, 1912.

Your affiant desires to state that he has not at any time permitted, and would not permit, the use of the building leased by him as aforesaid, for the use or purpose of conducting therein a house of ill-fame or questionable character; and that your affiant has personally inspected the premises so leased by him as aforesaid and feels certain that the said premises were honestly and actually conducted as a rooming-

house, and that the said premises were not operated or conducted as a house of ill-fame, nor was there conducted in said premises a house of ill-repute. That your affiant, from being the lessee of said building and his frequent inspection of the premises themselves, feels confident in making the assertion that there has not been conducted, in said premises, any house of ill-fame or place of questionable character. [42]

LEUNG TAN (Chinese Signature).

Subscribed and sworn to before me this 8th day of November, 1912.

[Notarial Seal] THOMAS S. BURNES,
Notary Public in and for the City and County of
San Francisco, State of California. [43]

[Affidavit of Bow Shee.]

State of California,
City and County of San Francisco,—ss.

BOW SHEE, being first duly sworn upon oath, according to law, doth depose and say:

That she is a resident Chinese person lawfully domiciled within the United States of America, and that she resides at No. 323 Fifth Street, in the City of Oakland, County of Alameda, State of California, and that she was formerly a resident of the City and County of San Francisco, State aforesaid, residing therein as No. 913 Grant Avenue.

That your affiant is personally well acquainted with the Chinese woman charged herein as Choy Gum (*alias* Low King), and that she has been very well acquainted with her for a period of upwards

of three years prior to the date of her arrest, which was on or about the 20th day of September, 1912; and that during all of the acquaintance of your affiant with her, she has always been a resident of the State of California and of the United States of America. *You* affiant has been very intimately acquainted with her and has always known her to be a woman of respectability, and that she has always lived in places occupied by Chinese families of good character. Your affiant further declares that, if the said woman had been following an immoral life or been a member of a house of ill-fame, at any time since her residence in this country, your affiant feels that her acquaintance with her [44] was of such a character that she would have knowledge of this fact, both because of the fact that your affiant saw her very frequently, and also by reason of the acquaintance by your affiant with others who saw her very frequently; and your affiant feels certain that, had she ever followed an immoral occupation, that fact would have been known to your affiant, or that your affiant would have received some information concerning the same.

Therefore, your affiant doth declare upon oath that, to the best of her knowledge, information and belief, as above set forth, the said Chinese woman herein referred to has not, during her acquaintance with affiant, or a period upwards of three years, followed a life of immorality or been guilty of any immoral conduct, or been a member or an inmate of any house of ill-fame; but, on the contrary, she has been a woman of respectability and associated with wo-

men of respectability, and that her character is good.

her

BOW X SHEE.

mark

Witness to mark: THOMAS S. BURNES.

Subscribed and sworn to before me this 8th day of November, 1912.

[Notarial Seal] THOMAS S. BURNES,
Notary Public, in and for the City and County of
San Francisco, State of California. [45]

[Affidavit of Gee Shee.]

State of California,

City and County of San Francisco,—ss.

GEE SHEE, being first duly sworn upon oath, according to law, doth depose and say:

That she is a resident Chinese person lawfully domiciled within the United States of America, at present residing at number 33 Waverly Place, in the City and County of San Francisco, State of California.

That your affiant is personally acquainted with the Chinese woman known as Choy Gum; and who is charged in this proceeding as Low King (*alias* Choy Gum), and your affiant has known her upwards of three years prior to her arrest herein, which was on or about the 20th day of September, 1912. That, during all of the acquaintance of your affiant with the said woman, she has been a resident of the State of California, United States of America; and that during all of said time your affiant has known her as a woman of respectability and good character, and

has never known or heard of her having, at any time, followed a life of immorality or been an inmate of a house of ill-fame; and your affiant having associated with her during all of the time before set forth at very frequent intervals, your affiant feels that the said Chinese woman could not have had an immoral character or followed a life of immorality without the same having become known to your affiant. [46]

That your affiant has frequently seen the said Choy Gum, and has associated with her almost continuously during all of the time hereinabove set forth, and has always known her personally as a woman of good character and respectability, and has never heard her spoken of in any other way than as a woman of good character. And your affiant further doth depose and say that the intimacy of the acquaintanceship existing between your affiant and the said Choy Gum was of such a character, that had the said Choy Gum been leading a life of immorality or conducting any acts of immorality, the same would undoubtedly have become known to your affiant. Therefore, doth your affiant declare that the said Choy Gum is a woman of good character, both from facts within the knowledge of your affiant and on account of the high reputation of the said Choy Gum, she, the said Choy Gum, always associating with women of good character.

her

GEE

SHEE,

mark

Witness to mark: THOMAS S. BURNES.

Subscribed and sworn to before me, this 8th day of November, 1912.

[Notarial Seal] THOMAS S. BURNES,
Notary Public in and for the City and County of San
Francisco, State of California. [47]

[Affidavits of Toy On and Ma Sing.]

State of California,

City and County of San Francisco,—ss.

TOY ON and MA SING, being duly and severally sworn, each for himself and not one for the other, do individually and separately depose and say:

That your affiant is a resident Chinese person lawfully domiciled within the United States of America.

That your affiant is personally acquainted with Choy Gum, a Chinese woman arrested on or about the 20th day of September, 1912, at No. 5 St. Louis Alley, in the City and County of San Francisco, State of California. That the said Choy Gum is now about twenty-one years of age, and that she has been personally known to your affiant continuously since she, the said Choy Gum, was a child. That, during all of the acquaintance of your affiant with the said Choy Gum, she has always been a resident of the State of California and the United States of America. Your affiant has been very well acquainted with her during all of her childhood and since she has attained her womanhood; and that, during all of these times, your affiant has known her to be a person of respectability, and that she has always lived in places occupied by Chinese families of good character.

Your affiant further declares that, if the said Choy Gum had, at any time, been following an immoral life, or if she had, at any time, been a member of a house of ill-fame, your affiant feels positive that his acquaintance with her is of such a character that he would have knowledge of that fact, both by reason of the fact that your affiant saw her very frequently [48] during all of said times, and also by reason of the acquaintance of your affiant with others who saw her at frequent intervals; and your affiant feels certain that, had the said Choy Gum ever followed an immoral occupation, that fact would have been known to your affiant, or that your affiant would have received some knowledge concerning the same. Therefore, your affiant doth declare upon oath that, to the best of his knowledge, information and belief, as above set forth, the said Choy Gum has not, during the acquaintance of your affiant with her, followed a life of immorality or been guilty of immoral conduct or been a member or an inmate of a house of ill-fame; but on the contrary, she has been a person of respectability, and has always associated with people of respectability, and that her character is good.

Your affiant doth further declare that up-stairs portion of the house at No. 5 St. Louis Alley in the City and County of San Francisco, State of California, is not a house of ill-fame, but is a Chinese lodging or rooming house, which has not been used for immoral purposes.

TOY ON (Chinese signature).

MA SING (Chinese signature).

Subscribed and sworn to before me this 8th day of November, 1912.

[Notarial Seal] THOMAS S. BURNES,
Notary Public in and for the City and County of San
Francisco, State of California. [49]

[Affidavit of Arthur D. Layne.]

DEPARTMENT OF COMMERCE AND LABOR.
Immigration Service.

10/32/230-231.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.

ARTHUR D. LAYNE, who being first duly sworn, on oath, declares, and deposes and says, that he is a police officer attached to the regular Police Department of the City and County of San Francisco, State of California, holding the rank of Sergeant thereof; that he has been detailed in that portion of the City and County of San Francisco commonly called Chinatown at various times during the past four years; that in said Chinatown is situated #5 St. Louis Alley, the premises here in question; that he knows the general reputation of the said premises situated at #5 St. Louis Alley; that the premises #5 St. Louis Alley has the general reputation in Chinatown of being a house of prostitution and was such on the 20th day of September, 1912.

That prior to September 20, 1912, this affiant received information that certain alien women were being held at #5 St. Louis Alley, a reputed house of prostitution, and acting in accordance with this in-

formation this affiant visited the said premises on the said date and after gaining an entrance to the said premises found CHOY GUM and LEONG TOE, the defendants in this action, in said premises in an endeavor to escape to the roof by means of a ladder.

(Sgd.) ARTHUR D. LAYNE.

Subscribed and sworn to before me, this 15 day of October, 1912.

(Sgd.) W. M. GASSAWAY,
Chinese and Immigrant Inspector.

Copy-LED-11/9/12. [50]

[Affidavit of Dennis Bohle.]

DEPARTMENT OF COMMERCE AND LABOR.
Immigration Service.

10/32/230-231.

Office of the Commissioner,
Angel Island Station,
via Ferry Postoffice,
San Francisco, Cal.

DENNIS BOHLE, who being first duly sworn, on oath, declares, deposes, and say, that he is a police officer attached to the regular Police Department of the City and County of San Francisco, State of California; that he has been detailed as such police officer in that section of the City and County of San Francisco known as Chinatown most all the time during the past two years; that he knows the general reputation of the premises situated at #5 St. Louis Alley in said city; that he knows the general reputation of the premises #5 St. Louis Alley to be a

house of prostitution, and was such on the 20th day of September, 1912.

This affiant acting in obedience to orders visited the said premises on the said 20th day of September, 1912, in company with Sergeant Layne and assisted in arresting two Chinese alien women in said house of prostitution situated at #5 St. Louis Alley; at the time of the arrest of the said alien women named Choy Gum and Leong Toe, they were in the said house of prostitution making an endeavor to escape to the roof.

(Sgd.) DENNIS BOHLE.

Subscribed and sworn to before me, this 15 day of October, 1912.

(Sgd.) W. M. GASSAWAY,
Chinese and Immigrant Inspector.

Copy-LED. [51]

Warrant—Deportation of Alien.

UNITED STATES OF AMERICA,
DEPARTMENT OF COMMERCE AND LABOR.
Washington.

No. 53510/212.

To SAMUEL W. BACKUS, Commissioner of Immigration, Angel Island Station, San Francisco, California.

WHEREAS, from proofs submitted to me, after due hearing before Immigrant Inspector F. H. Ainsworth, held at Angel Island, California, I have become satisfied that the alien, CHOY GUM, *alias* LO KING, who landed at the port of San Francisco, Cal., ex SS. "China," on the 23d day of October,

1908, has been found in the United States in violation of the Act of Congress approved February 20, 1907, amended by the Act approved March 26, 1910, to wit:

That the said alien is a prostitute and has been found an inmate of a house of prostitution and practicing prostitution subsequent to her entry into the United States, and may be deported in accordance therewith:

I, BENJ. S. CABLE, Acting Secretary of Commerce and Labor, by virtue of the power and authority vested in me by the [52] laws of the United States, do hereby command you to return the said alien to China, the country whence she came, at the expense of the appropriation, "Expenses of Regulating Immigration, 1913."

You are directed to purchase transportation for the alien from San Francisco, Cal., to her home in China, at the lowest steerage rate, obtainable, the cost thereof being chargeable to the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 15th day of November, 1912.

(Sgd.) BENJ. S. CABLE,
Acting Secretary of Commerce and Labor.

WW

Copy-LED.

[Endorsed]: Filed Apr. 16, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [53]

[Minutes of Court—April 16, 1914—Order to Show Cause.]

(MINUTES—ORDER TO SHOW CAUSE ON PETITION FOR WRIT.)

At a stated term of the District Court of the United States for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, State of California, on Thursday, the 16th day of April, in the year of our Lord one thousand nine hundred and fourteen. Present: The Honorable M. T. DOOLING, Judge.

No. 15,641.

In the Matter of CHOY GUM, on Habeas Corpus.

In this matter Geo. A. McGowan, Esq., presented to the Court the petition of Wong Shee for a writ of habeas corpus for and on behalf of Choy Gum. After considering said petition, the Court ordered that Samuel W. Backus, Esq., do appear and show cause on April 28th, 1914, at 10 o'clock A. M., why a writ of habeas corpus should not issue herein as prayed for in said petition. Further ordered that a copy of this order with said petition be served upon said Commissioner and that he retain the said Choy Gum within his custody and within the jurisdiction of this Court until the further order of this Court.

[54]

*In the District Court of the United States, in and
for the Northern District of California, First
Division.*

No. 15,641.

In the Matter of CHOY GUM, *alias* LO KING, on
Habeas Corpus.

Demurrer to Petition for Writ of Habeas Corpus.

Now comes the respondent, Samuel W. Backus, Commissioner of Immigration at the port of San Francisco, and demurs to the petition on file herein on the following grounds:

I.

That said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus or any relief thereon.

II.

That said petition is insufficient in that the statements in the petition relative to the record of the testimony taken on the hearing for the order of deportation of the applicant are statements of conclusions of law.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JOHN W. PRESTON,
United States Attorney,
WALTER E. HETTMAN,
Asst. United States Attorney,
Attorneys for Respondent.

[Endorsed]: Filed Jun. 27, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [55]

**Opinion and Order Sustaining Demurrer to Petition
for Writ of Habeas Corpus and Denying the
Petition.**

*In the District Court of the United States, in and
for the Northern District of California, First
Division.*

No. 15,641.

In the Matter of CHOY GUM, Sometimes Referred
to as LO KING, on Habeas Corpus.

GEORGE A. MCGOWAN, Esq., Attorney for
Petitioner.

JOHN W. PRESTON, Esq., U. S. Atty., and
WALTER E. HETTMAN, Esq., Asst. U. S.
Atty., Attorneys for Respondent.

**ON DEMURRER TO PETITION FOR WRIT
OF HABEAS CORPUS.**

The petition avers that on November 7th, the last day of the hearing, two affidavits of police officers were presented against petitioner, which affidavits were taken on October 15th, and that petitioner by her counsel requested an opportunity to cross-examine the said officers, as also an opportunity to meet the evidence contained in such affidavits, which requests were denied and the hearing immediately closed. As to the first request, it has been held that evidence may be presented in the form of affidavits, and in such case I am of the opinion that the right to cross-examine does not exist. The second request, that is for an opportunity to meet the evidence presented unexpectedly to petitioner on the last day of

the hearing, although averred in the petition, does not appear from the [56] record attached to have been made. The only request shown by the record was a request for an opportunity to cross-examine, no request for a continuance, or indeed for anything else having been made. As to these specifications of unfairness I am of the opinion that they are without legal merit. Nor do I think that the incorporation in the record of testimony taken in other proceedings constitutes unfairness under the law where, as here, the petitioner has been afforded, an opportunity to meet it. It is averred on information and belief that after the close of the case the Inspector submitted evidence detrimental to petitioner which she has never seen. If this be true, of course the hearing was unfair. But in proceedings like this, an averment of this nature is easily made, and I am not disposed to give it any attention, unless the reason for the belief, and the nature and source of the information is set out, so that the Court may say whether there is any reasonable ground for the belief, or any basis for the information. These views dispose of the contentions made by petitioner, and it is therefore ordered that the demurrer to the petition be sustained, and the petition denied.

July 1st, 1914.

M. T. DOOLING,
Judge.

[Endorsed]: Filed Jul. 1, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [57]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,641.

In the Matter of CHOY GUM, Sometimes Referred
to as LO KING, on Habeas Corpus.

Petition for Appeal.

Now comes Choy Gum, sometimes known as Lo King, the petitioner and the detained, and the appellant herein, and say:

That, on the 1st day of July, 1914, the above-entitled court made and entered its order denying the petition for a writ of *habeas*, as prayed for, on file herein, in which said order in the above-entitled cause certain errors were made to the prejudice of the appellant herein, all of which will more fully appear from the assignment of errors filed herewith.

WHEREFORE, this appellant prays that an appeal may be granted in her behalf to the Circuit Court of Appeals of the United States, for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals, for the Ninth Circuit thereof.

Dated at San Francisco, California, July 11th, 1914.

GEO. A. MCGOWAN,

Attorney for Petitioner and Detained and Appellant
Herein.

Service of the within Petition for Appeal and receipt of a copy thereof is hereby admitted this 11th day of July, 1914.

J. W. PRESTON,
U. S. Attorney.

[Endorsed]: Filed Jul. 11, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [58]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,641.

In the Matter of CHOY GUM, Sometimes Referred
to as LO KING, on Habeas Corpus.

Assignment of Errors.

Comes now, Choy Gum, sometimes referred to as Lo King, the appellant herein, by *their* attorney, George A. McGowan, Esquire, in connection with her petition, for an appeal herein, *assign* the following errors, which she avers occurred upon the trial or hearing of the above-entitled cause, and upon which she will rely, upon appeal to the Circuit Court of Appeals, for the Ninth Circuit, to wit:

First: That the Court erred in sustaining the demurrer and in denying the petition for a writ of habeas corpus, herein.

Second: The Court erred, in holding that it had no jurisdiction to issue a writ of habeas corpus, as prayed for in the petition herein.

Third: That the Court erred in not holding that the allegations contained in the petition herein, for a

writ of habeas corpus, were sufficient in law, to justify the granting and issuing of a writ of habeas corpus, as prayed for, in said petition.

Fourth: That the Court erred in holding that it was not an abuse of discretion by the immigration authorities, and did not deprive the alien, the petitioner herein, of a fair [59] hearing, to incorporate in the record against the said alien the testimony of Leong Toe, Ton Yook Lan and Wong Go, which said witnesses had been sworn to tell the truth touching the legality of their own residence in the United States, and not the legality of the residence of this alien, the petitioner herein; and who were self-interested witnesses, seeking self-protection and liberation, and who, under promise and hope of immunity, testified to the detriment of the petitioner; and in refusing to set a time and place for the examination of the said witnesses upon behalf of the petitioner herein, as more fully contained in the first specification of unfairness contained in the petition on file herein.

Fifth: That the Court erred in holding that it was not an abuse of discretion by the immigration authorities, and did not deprive the alien, the petitioner herein, of a fair hearing, to conduct for the Government a hearing, and take the testimony of Arthur T. Layne and Dennis Bohle, against the petitioner, without notice to either the petitioner, or her attorney, and in their absence embody the said testimony in the form of affidavits, and thus deprive the petitioner of any opportunity to answer the same, or test the knowledge or credibility of the said wit-

nesses; and in withholding the fact that said testimony had been so taken until the final hearing in the said matter, and then not afford the petitioner any opportunity to answer the said evidence, all as more particularly alleged in the second specification of unfairness contained in the petition on file herein.

Sixth: The Court erred, in holding that it was not an abuse of discretion, and did not deprive the alien of a fair hearing, for the Commissioner of Immigration, after the close of [60] the Government case against the said alien, the petitioner herein, to submit evidence to the department detrimental to the said alien, the said petitioner herein, which said detrimental evidence had been previously withheld from the said alien, the petitioner herein, and no opportunity at all afforded her at any time of meeting, or answering, the said evidence, which was clandestinely forwarded to the Secretary of Labor, and in so abridging and limiting the right of the counsel of the alien, as to prevent counsel from ascertaining all the evidence submitted against the said alien, the petitioner herein; all as more particularly alleged in the third specification of unfairness contained in the petition on file herein.

Seventh: The Court erred in holding that it was not an abuse of discretion, and did not deprive the alien, the petitioner herein, of a fair hearing for the immigration authorities to submit their evidence against the alien, the petitioner herein, in the form of oral examinations from the witnesses prior to according the alien the right of an attorney and to thereafter present the evidence from the Govern-

ment witnesses in the form of *ex parte* affidavits, thus preventing and depriving the alien, the petitioner herein, of any opportunity of being confronted with any witnesses being presented against her, and depriving her of any and all opportunity to submit evidence of said Government witnesses upon her own behalf; all as more particularly alleged in the fourth specification of unfairness contained in the petition on file herein.

WHEREFORE, the appellants pray that the judgment and order of the United States District Court, in and for the [61] Northern District of the State of California, made and entered herein in the office of the Clerk of the said Court on the first day of July, 1914, sustaining the demurrer and discharging the order to show cause and dismissing the petition for a writ of habeas corpus be reversed and that this cause be remitted to the said lower court, with instructions to discharge the said Choy Gum, sometimes known as Lo King, from custody, or grant her a new trial before the lower court, by directing the issuance of writ of habeas corpus, as prayed for in said petition.

Dated San Francisco, California, July 11th, 1914.

GEO. A. MCGOWAN,

Attorney for Applicant.

Service of the within Assignment of Errors and receipt of a copy thereof is hereby admitted this 11th day of July, 1914.

J. W. PRESTON,

U. S. Attorney.

[Endorsed]: Filed Jul. 11, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [62]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,641.

In the Matter of CHOY GUM, Sometimes Referred
to as LO KING, on Habeas Corpus.

Order Allowing Petition for Appeal.

On this 4th day of August, A. D. 1914, came Choy Gum, sometimes known as Lo King, the petitioner and the detained, herein, by her attorney, George A. McGowan, Esquire, and having previously filed herein, did present to this Court, her petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by her, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein, was rendered, duly authenticated, may be sent and transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper.

ON CONSIDERATION WHEREOF, the Court hereby allows the appeal hereby prayed for, and orders execution and remand stayed pending the hearing of the said case in the said United States Circuit Court of Appeals for the Ninth Circuit; and it is further ordered, after hearing counsel for the peti-

tioner and for the Government thereon, that the said detained may remain at large upon the bond previously given before this Court in this matter, during the pendency of the appeal taken herein from said judgment; provided said appeal be docketed in the Circuit Court of Appeals at its October term and that she do not depart from the jurisdiction of this Court, but remain and abide by whatever judgment shall finally be entered herein.

Dated at San Francisco, California, August 4th, 1914.

M. T. DOOLING,
United States District Judge.

Service of the within order allowing appeal and receipt of a copy thereof, is hereby admitted this 4th day of August, A. D. 1914.

WALTER E. HETTMAN,
Asst. United States District Attorney.

[Endorsed]: Filed Aug. 4, 1914. W. B. Maling,
Clerk. By Lyle S. Morris, Deputy Clerk. [63]

*In the District Court of the United States, in and
for the Northern District of California, Division
No. 1.*

No. 15,641.

In the Matter of CHOY GUM, Sometimes Referred
to as LO KING, on Habeas Corpus.

Notice of Appeal.

To the Clerk of the Above-entitled Court and to the
Hon. John W. Preston, United States Attorney
for the Northern District of California:

You and each of you, will please take notice that Choy Gum, sometimes known as Lo King, the petitioner and the detained, above named, does hereby appeal to the Circuit Court of Appeals of the United States, for the Ninth Circuit thereof, from the order made and entered herein on the 1st day of July, 1914, denying the petition for a writ of habeas corpus filed herein.

Dated at San Francisco, California, July 11th, 1914.

GEO. A. McGOWAN,

Attorney for Petitioner and Detained and Appellant.

Service of the within Notice of Appeal and receipt of a copy thereof is hereby admitted this 11th day of July, 1914.

J. W. PRESTON,

U. S. Attorney.

[Endorsed]: Filed Jul. 11, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [64]

Citation on Appeal—Copy.

UNITED STATES OF AMERICA,—ss.

To President of the United States, to Hon. SAMUEL W. BACKUS, Commissioner of Immigration, Port of San Francisco, and to His Attorney, JOHN W. PRESTON, United States Attorney, in and for the Northern District of California, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals

for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, Division No. 1 thereof, wherein Choy Gum, sometimes referred to as Lo King, is appellant, *appellant*, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge for the Northern District of California, this 10 day of August, A. D. 1914.

M. T. DOOLING,
United States District Judge. [65]

Service of the within Citation on Appeal and receipt of a copy thereof is hereby admitted this 10th day of Aug., 1914.

WALTER E. HETTMAN,
Asst. U. S. Atty.

[Endorsed]: Filed Aug. 10, 1914. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [66]

Bond on Appeal.

ILLINOIS SURETY COMPANY. 4018.
KNOW ALL MEN BY THESE PRESENTS,
That we, Choy Gum, *alias* Lo King, as principal,

and Illinois Surety Company, as sureties, are held and firmly bound unto the United States of America in the full and just sum of Five hundred (500) dollars, to be paid to the said United States of America *certain* attorney, executors, administrators or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 21st day of August in the year of our Lord one thousand nine hundred and fourteen.

WHEREAS, lately at a District Court of the United States for the Northern District of California, First Division, in a matter pending in said Court, for a writ of habeas corpus an order was entered against the said Choy Gum, *alias* Lo King, sustaining a demurrer to her petition for a writ of habeas corpus and denying the petition for the writ, and she having obtained from said Court an order allowing an appeal to reverse the said order in the aforesaid matter, and a citation directed to the respondent citing and admonishing him to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, in the State of California.

NOW, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said Choy Gum, *alias* Lo King, shall prosecute said appeal to effect, and answer all damages and costs if she fail to make her plea good, then the above obligation to

be void; else to [67] remain in full force and virtue.

CHOY (Cross) GUM *alias* LO KING.

(Seal)

ILLINOIS SURETY COMPANY. (Seal)

By HAROLD M. PARSONS, (Seal)

Its Attorney in Fact.

Acknowledged before me the day and year first above written.

[Seal]

FRANCIS KRULL.

[Endorsed]: Filed Aug. 25, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [68]

**[Certificate of Clerk U. S. District Court to
Transcript of Record.]**

I, W. B. Maling, Clerk of the District Court of the United States of America for the Northern District of California, do hereby certify that the foregoing 68 pages, numbered from 1 to 68, inclusive, contain a full, true and correct Transcript of certain records and proceedings, in the matter of Choy Gum, sometimes referred to as Lo King, on habeas corpus, No. 15,641, as the same now remain on file and of record in the office of the Clerk of said District Court; said Transcript having been prepared pursuant to and in accordance with the "Praeceptum for Transcript on Appeal" (copy of which is embodied in this Transcript), and the instructions of Geo. A. McGowan, Esquire, Attorney for Petitioner and Appellant herein.

I further certify that the costs for preparing and

certifying the foregoing Transcript on Appeal is the sum of Thirty-two Dollars and Seventy Cents (\$32.70), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the Original Citation on Appeal issued herein (paged 70 and 71).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 28 day of August, A. D. 1914.

[Seal]

W. B. MALING,

Clerk.

By C. W. Calbreath,

Deputy Clerk. [69]

Citation on Appeal—(Original).

UNITED STATES OF AMERICA,—ss.

The President of the United States, to Hon. SAMUEL W. BACKUS, Commissioner of Immigration, Port of San Francisco, and to His Attorney, JOHN W. PRESTON, United States Attorney, in and for the Northern District of California, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Northern District of California, Division No. 1 thereof, wherein Choy Gum, sometimes referred to as Lo

King, is appellant, *appellant*, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge, for the Northern District of California, this 10 day of August, A. D. 1914.

M. T. DOOLING,
United States District Judge. [70]

Service of the within Citation on Appeal and receipt of a copy thereof is hereby admitted the 10th day of Aug., 1914.

WALTER E. HETTMAN,
Asst. U. S. Atty.

[Endorsed]: No. 15,641. United States District Court for the Northern District of California, Choy Gum, Sometimes Referred to as Lo King, Appellant, vs. Samuel W. Backus, Commissioner of Immigration, Appellee. Citation on Appeal. Filed Aug. 10, 1914. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [71]

[Endorsed]: No. 2475. United States Circuit Court of Appeals for the Ninth Circuit. Choy Gum, Sometimes Referred to as Lo King, Appellant, vs. Samuel W. Backus, as Commissioner of Immigration at the Port of San Francisco, Appellee. Tran-

script of Record. Upon Appeal from the United States District Court for the Northern District of California, First Division.

Received and filed September 5, 1914.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.

